

FIRST REGULAR SESSION

SENATE BILL NO. 342

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR JUSTUS.

Read 1st time February 24, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

1555S.011

AN ACT

To amend chapter 160, RSMo, by adding thereto one new section relating to foster care students.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 160, RSMo, is amended by adding thereto one new section, to be known as section 160.1990, to read as follows:

160.1990. 1. In order to remove barriers to educational success imposed on foster care children because of frequent moves, the department of elementary and secondary education shall ensure that the following criteria are implemented in every school district in this state regarding enrollment of foster care children:

(1) Facilitate the timely enrollment of foster care children and ensure that they are not placed at a disadvantage due to difficulty in the transfer of education records from the previous school district or districts or variations in entrance and age requirements;

(2) Facilitate the student placement process through which foster care children are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content or assessment;

(3) Facilitate the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities;

(4) Facilitate the on-time graduation of foster care children;

(5) Provide for the promulgation and enforcement of administrative rules implementing the provisions of this section;

(6) Provide for the uniform collection and sharing of information between and among schools, foster care children, and their families

22 under this section;

23 (7) Promote flexibility and cooperation between the educational
24 system, foster parents, and the foster care student in order to achieve
25 educational success for the student.

26 2. For purposes of this section, the following terms shall mean:

27 (1) "Education records", those official records, files, and data
28 directly related to a foster care student and maintained by the school
29 or local education agency, including but not limited to records
30 encompassing all the material kept in the student's cumulative folder
31 such as general identifying data, records of attendance and of academic
32 work completed, records of achievement and results of evaluative tests,
33 health data, disciplinary status, test protocols, and individualized
34 education programs;

35 (2) "Extracurricular activities", a voluntary activity sponsored by
36 the school. Extracurricular activities include, but are not limited to,
37 preparation for and involvement in public performances, contests,
38 athletic competitions, demonstrations, displays, and club activities;

39 (3) "Foster care child", a school-aged child enrolled in
40 kindergarten through twelfth grade who is residing in a foster care
41 setting in this state;

42 (4) "Transition":

43 (a) The formal and physical process of transferring from school
44 to school; or

45 (b) The period of time in which a foster care student moves from
46 one school to another school.

47 3. (1) When a foster care student transfers before or during the
48 school year, the receiving school shall initially honor placement of the
49 student in educational courses based on the student's enrollment in the
50 sending school or educational assessments conducted at the sending
51 school if the courses are offered. Course placement includes but is not
52 limited to honors, international baccalaureate, advanced placement,
53 vocational, technical and career pathways courses. Continuing the
54 student's academic program from the previous school and promoting
55 placement in academically and career challenging courses shall be of
56 utmost importance when considering placement. This requirement
57 does not preclude the receiving school from performing subsequent
58 evaluations to ensure appropriate placement and continued enrollment

59 of the student in the course.

60 (2) The receiving school shall initially honor placement of a
61 foster care student in educational programs based on current
62 educational assessments conducted at the sending school or
63 participation or placement in like programs in the sending
64 school. Such programs include, but are not limited to gifted and
65 talented programs and English as a second language (ESL). This
66 requirement does not preclude the receiving school from performing
67 subsequent evaluations to ensure appropriate placement of the student.

68 (3) In compliance with the federal requirements of the
69 Individuals with Disabilities Education Act (IDEA), 20 U.S.C.A. Section
70 1400 et seq., the receiving school shall initially provide comparable
71 services to a foster care student with disabilities based on his or her
72 current Individualized Education Program (IEP). In compliance with
73 the requirements of Section 504 of the Rehabilitation Act, 29 U.S.C.A.
74 Section 794, and with Title II of the Americans with Disabilities Act, 42
75 U.S.C.A. Sections 12131-12165, the receiving school shall make
76 reasonable accommodations and modifications to address the needs of
77 incoming foster care students with disabilities, subject to an existing
78 504 or Title II Plan, to provide the foster care student with equal access
79 to education. This requirement does not preclude the receiving school
80 from performing subsequent evaluations to ensure appropriate
81 placement of the student.

82 (4) Schools shall have flexibility in waiving course or program
83 prerequisites, or other preconditions for placement in courses or
84 programs offered at the school.

85 4. In order to facilitate the on-time graduation of foster care
86 children, schools shall incorporate the following procedures:

87 (1) Schools shall waive specific courses required for graduation
88 if similar course work has been satisfactorily completed in another
89 school or shall provide reasonable justification for denial. If a waiver
90 is not granted to a foster care student who would qualify to graduate
91 from the sending school, the receiving school shall provide an
92 alternative means of acquiring required course work so that graduation
93 may occur on time;

94 (2) Receiving schools shall accept:

95 (a) Exit or end-of-course exams required for graduation from the

96 sending school; or

97 (b) National norm-referenced achievement tests; or

98 (c) Alternative testing, in lieu of testing requirements for
99 graduation in the receiving school.

100 If such alternatives cannot be accommodated by the receiving school
101 for a foster care student transferring in his or her senior year, the
102 provisions of subsection 5 of this section shall apply.

103 5. If a foster care student transferring at the beginning or during
104 his or her senior year is ineligible to graduate from the receiving
105 school after all alternatives have been considered, the sending and
106 receiving schools shall ensure the receipt of a diploma from the sending
107 school, if the student meets the graduation requirements of the sending
108 school.

109 6. Any rule or portion of a rule, as that term is defined in section
110 536.010 that is created under the authority delegated in this section
111 shall become effective only if it complies with and is subject to all of
112 the provisions of chapter 536, and, if applicable, section 536.028. This
113 section and chapter 536 are nonseverable and if any of the powers
114 vested with the general assembly pursuant to chapter 536, to review, to
115 delay the effective date, or to disapprove and annul a rule are
116 subsequently held unconstitutional, then the grant of rulemaking
117 authority and any rule proposed or adopted after August 28, 2011, shall
118 be invalid and void.

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